

REMARKS

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-7 and 9-13 are pending in the present patent application. Claims 1, 7, 9, and 13 are independent. The remaining claims depend, either directly or indirectly, from claims 1, 7, 9, and 13.

Claim Amendments

Claims 1 and 7 have been amended for clarification. No new matter has been added by way of these amendments, as support for these amendments may be found, for example, in Figure 2.

Rejections under 35 U.S.C. §102

Claims 1, 2, 4-6, 9, and 10 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,275,074 issued to Hastings et al. (hereinafter "Hastings"). For the reasons set forth below, this rejection is respectfully traversed.

Hastings discloses transforming a slowly-slewing signal into a rapidly-slewing signal using a signal conditioner (Abstract). The signal conversion is performed by the circuitry of the signal conditioner, and the conversion reduces the propagation delay of a signal from the signal generator (producing the slowly-slewing signal) to the load capable of accepting a rapidly-slewing signal. However, Hastings is silent on identifying when a noise error in the signal has occurred. Hastings' signal conditioner and its corresponding circuitry are not designed to detect noise errors. Thus, Hastings at least does not disclose generating an alarm upon the occurrence

of a noise error as recited in independent claims 1 and 9. Thus, Hastings fails to teach or suggest all the limitations of independent claims 1 and 9. Thus, independent claims 1 and 9 are patentable over Hastings. Claims 2, 4-6, and 10 depend, either directly or indirectly from claims 1 and 9, and are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Further, claim 1 has been amended to clarify that both the high comparator and low comparator output a clock signal to directly clock the processing circuit. In Hastings, neither output from either of the comparators directly clocks the processing circuit (*See Hastings: Figure 3; elements 84, 86*). Instead, Hastings combines the output from each comparator through a multi-input logic gate (*See Hastings: Figure 3; element 88*) and the resulting signal is used to clock the processing circuit. Thus, the output from the comparators in Hastings do not directly clock the processing circuit, as required by amended independent claim 1. Thus, independent claim 1 is patentable over Hastings. Claims 2 and 4-6 depend, either directly or indirectly, from claim 1 and are allowable for at least the same reason. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 3, 7, and 11-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hastings in view of U.S. Patent No. 5,923,191 issued to Nemetz et al. (hereinafter "Nemetz"). For the reasons set forth below, this rejection is respectfully traversed.

Applicant respectfully asserts that Hastings and Nemetz are not analogous art to the present invention. Specifically, Hastings teaches increasing the slew-rate of signals to reduce propagation delay and Nemetz discloses monitoring a system clock pulse width for security reasons. In contrast, the present invention discloses an apparatus for detecting a noise error of a

signal. Applicant respectfully asserts that one skilled in the art attempting to detect noise errors of a signal would look to neither Hastings nor Nemetz as a reference. Therefore, neither Hastings nor Nemetz is analogous art.

Further, Applicant respectfully asserts that the cited references do not teach or suggest all the claimed limitations. As discussed above, Hastings does not disclose activating an alarm upon detection of a noise error as recited in independent claims 1, 7, 9, and 13 of the present invention. Like Hastings, Nemetz is also silent on activating an alarm upon detection of a noise error. Thus, Nemetz does not teach what Hastings lacks.

Further, Hastings admittedly does not teach a plurality of flip-flops as recited in independent claims 7 and 13. The plurality of flip-flops disclosed in Nemetz are components of comparator circuits and not a processing circuit. Thus, neither Hastings nor Nemetz disclose a plurality of flip-flops belonging to the processing circuit as recited in independent claims 7 and 13.

Further, Applicant respectfully asserts that there is no motivation to combine the cited references to arrive at the limitations of the claimed invention. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. In *re* Vaeck, 947 F.2d 488 (Fed. Cir. 1991) (emphasis added). Further, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In *re* Mills, 916 F.2d 680 (Fed. Cir. 1990). In other words, there must be some objective reason to combine the teachings of the reasons. *Ex parte* Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

A complete study of Hastings and Nemetz confirms that, regardless of whether the teachings of Hastings and Nemetz can be combined, there is no suggestion or motivation set forth in either Hastings or Nemetz to combine the teachings of these references. Absent such a suggestion or motivation, the teachings of Hastings and Nemetz cannot be conveniently combined to render the claimed invention obvious.

Hastings and Nemetz, whether viewed separately or in combination, fail to teach or suggest all the limitations recited in independent claims 1, 7, 9, and 13. Claims 3, 11, and 12 depend, either directly or indirectly, from claims 1 and 9 and are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

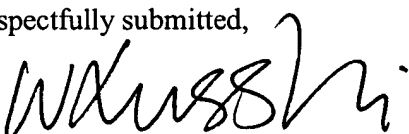
Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 06145/003001; P4928).

Dated: April 20, 2005

Respectfully submitted,

By



Wasif H. Qureshi

Registration No.: 51,048

OSHA • LIANG LLP

1221 McKinney Street, Suite 2800

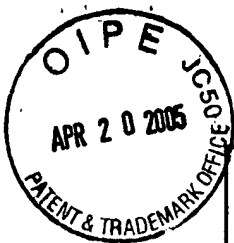
Houston, Texas 77010

(713) 228-8600

(713) 228-8778 (Fax)

Attorney for Applicant

Attachments



Application No. (if known): 09/698,622

Attorney Docket No.: 06145/003001; P4928

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV644881720US in an envelope addressed to:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on April 20, 2005
Date

Brenda C. McFadden

Signature

Brenda C. McFadden

Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 228-8600

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Office Action dated March 1, 2005